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# Security and the Responsibility of the German State

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Marc Herbermann

## Security and the Responsibility of the German State\*

Marc Herbermann\*\*

Imagine there's no countries  
It isn't hard to do  
— John Lennon

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### 1. Introduction

Under huge external pressure, the German social structure is rapidly changing and may be collapsing in the near future. Yet, a static part of Germany's social structure remains; it is made of an arrogant and short sighted political elite. This elite, which fears

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reforms and social movements and does not like to learn, is responsible for many of Germany's current social, economical and political problems. The elite consists partly of left or right gatekeepers. These people are blocking the discourse by preventing that topics which may shake the official story appear on the agenda. Their function is to support and maintain the oligarchy and finally to protect the power system.<sup>1)</sup>

Before we delve deeper into our subject, I first want to provide clarification of some basic concepts. The word “responsibility” has a similar meaning in various European languages. If we speak of responsibility, there must be something to respond to. We think of somebody who acts responsibly as a person who takes the consequences of his or her actions into account. According to Jacob and Wilhelm Grimm, the German term “Verantwortung” first appeared in the 15th century and it meant some kind of justification in a courtroom.<sup>2)</sup> The German philosopher Maximilian Forschner, who taught at the University of Erlangen-Nürnberg, claims that the term emerged in a religious context and that it later adopted a similar function and rank as the Latin word imputatio, which means the award of meritorious and culpable actions.<sup>3)</sup> In contrast to persons who focus on the consequences of their actions, we can find those who pay more attention to their convictions, and if certain basic values coincide with their actions.

Larger entities, like organisations and states, can act through their representatives. In a modern society, which is based on the division of labour, we can examine, in how far these entities fulfil

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1) Compare Zwicker 2006; Herbermann 2016.

2) Universität Trier et al, 2011.

3) Forschner 1989, 89.

their functions. Institutions oversee particular areas of responsibility; however, it is inaccurate to check whether social entities act out of a certain ethic. Ethics is a concept which can only be applied on a personal level because it refers to the attitude and preferences of individuals.

## 2. Spheres of responsibility and the German state

Like in other modern societies, we can distinguish many different organisations in Germany, for example, enterprises, welfare institutions, employers' associations, trade unions, broadcasting companies or the two large Christian churches. We can review in how far these organisations fulfil their functions. For instance, broadcasting companies should inform citizens fairly and lively about recent events.<sup>4)</sup> If journalists working for broadcasting companies actively contribute to the fulfilment of this function, we have a first indicator to check whether these individuals are acting responsibly.

In the course of the second part of this paper, I want to discuss to what extent the policies of the German government fulfil certain functions. A government of a modern welfare state is at first responsible for the implementation of the rule of law and for the establishment of economic framework conditions.<sup>5)</sup>

Other eras of responsibility for a government can be found in the interaction with other states or in the provision of public goods such as internal and external national security, health, fresh air,

knowledge, public infrastructure, education, flood control systems. In a globalised world society, which is also shaped by international law, internationally operating companies and transnational institutions,<sup>6)</sup> governments have a major responsibility for the provision of global public goods, like global justice, world peace and international financial stability.<sup>7)</sup>

How does the current German state exercise its functions? Angela Merkel and her government have achieved vitally important things for Germany and Europe. As the chancellor for more than ten years, Merkel's pragmatic policies have helped to stimulate the economy and to tone down the European debt crisis. Germany's unemployment rate fell from 12% in 2005 to less than 5% in 2015; whereas the German GDP rose from \$ 2.8 trillion to \$ 3.9 trillion in the same period at current prices, according to figures from "Economy Watch".<sup>8)</sup> The current governing grand coalition paved the way for green energy consumption. Mere economic growth, however, tells us very little about the grade of inequality in a society. In a globalised world with free markets, it is very difficult to clearly attribute the developments mentioned above to the economic policies of a government. Therefore we should not jump to conclusions. Albeit, we can find important points of reference for successful economic policies implemented by the German government.

The next considerations will focus on the protection of law and on inner and outer security. These are three essential public goods,

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4) Schneider and Raue 2001.

5) Schultze 2004.

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6) Zürn 2012.

7) Cowen 2008; Kaul, Grunberg, and Stern 1999; Herbermann 2014.

8) Economy Watch 2016b; Economy Watch 2016a.

which may lie at the foundation of political and social life in every society. Under Merkel's tenure, there is evidence that the rule of law has been eroding. Her policies often rather reflect a pragmatic approach – broadly interpreting existing laws. For example, on 28 October 2010, the German parliament enacted a law that extended the lifetime of existing nuclear power plants. After the Fukushima catastrophe in March 2011 and a defeat in some regional elections looming, Merkel quickly revised her policies and proclaimed an exit from nuclear power.

Let us now take a closer look on external and internal security. In the last ten years, Germany's military did not participate in several disastrous NATO campaigns. For that reason, we may say that the Bundeswehr was not a factor in the destabilisation of various regions. Nevertheless, the downward trend of expenses for military spending slowed down<sup>9)</sup> and the strict standards of a pure self-defence army, which had defined the mission of the "Bundeswehr" for decades, have long been eroding.

The German Bundeswehr, established in the 1950s with its sole purpose to defend Germany against invaders,<sup>10)</sup> has been operating after the fall of the Berlin Wall in more than 35 foreign missions around the world.<sup>11)</sup> In Afghanistan the German army was part of the ISAF force, which could not bring peace, stability and democracy to the country.<sup>12)</sup> Between 12th July 2006 and 14th August 2006 the Israel Defence Force fought a war against the Lebanese Hezbollah, "a Shia Islamist political, military and social organisation that wields

considerable power in Lebanon."<sup>13)</sup> After the war, the United Nations Interim Force in Lebanon (UNIFIL) should restore peace and security. Its task, according to UN Resolution 1655, was also to protect the "territorial integrity, sovereignty and political independence of Lebanon"<sup>14)</sup>. Germany contributed to the mission by sending naval ships. Their primary assignment was to secure the Lebanese coast and to prevent arms smuggling. The mission was partly successful because the parties did not engage in another major military confrontation. Israel lifted its sea blockade on Lebanon. But the region still remains unstable. Moreover, UNIFIL II could neither disarm Hezbollah nor enforce the arms embargo.<sup>15)</sup> Other military missions, in which the Bundeswehr has been taking part since the beginning of Merkel's term in government, like ATLANTA, are aiming at the protection of economic interests of EU countries.<sup>16)</sup> And now Germany is supplying military equipment to Turkey and shoring up her military installations in Turkey. Germany prepares for a possible involvement in the Syrian war theatre in case of an escalation.<sup>17)</sup>

At the present time, Germany is surely not actively participating in a war but the country knows how to protect economic interests with military means and she pursues a kind of aggressive cultural imperialism. We are reminded of the slogan "Am deutschen Wesen soll die Welt genesen", which was en vogue in Germany more than 100

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9) SIPRI 2016.

10) Mutz 1994.

11) Brehm et al., n.d., 9-11.

12) Brehm et al., n.d., 158-84.

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13) BBC News 2016.

14) UN Security Council 2006.

15) Brehm et al., n.d., 127-34; BBC News 2016.

16) Brehm et al., n.d., 145-47.

17) Orzechowski 2016.

years ago. Roughly translated, it means something like: “The world should adopt the German way of living and thinking in order to heal”. Actually we can translate it to: Germany bears the main responsibility for all international migrants and refugees. She knows how to deal with the migration crisis, all countries should adopt her policies.

In a deceptive political campaign, the German population is manipulated to not voice concerns on the so called “refugee crisis”. Overrun by economic migrants and manipulated reports, it should accept the new reality. However, Germany is not obliged to take hundred of thousands migrants every year. Looking at the current confused German “refugee policy”, one wonders why at all migrants are allowed to enter the country.

Angela Merkel and her government acted as the moral vanguard of Europe. In August 2015, she invited refugees without consulting other governments,<sup>18)</sup> believing, that the main European countries would follow suit and emulate her policy. But she was wrong. France, Britain and other countries kept to more restrictive migration policies. Actually, the EU summit in March 2016 and the agreement with Turkey restricted the influx of migrants, which came at a high price.<sup>19)</sup>

### 3. Different foundations of social actions and the ethic of responsibility

Through Max Weber we can distinguish an ethic of responsibility from an ethic of conviction.<sup>20)</sup> The ethic of conviction is more or less

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18) Schwennicke 2015.

19) tagesschau.de 2016.

20) Weber 1988, 489-517; Weber 1992, 229:167-85.

expressed in a pure moral attitude like “I don’t kill regardless of the circumstances.” If you are responsible for something, on the other hand, there must be something or somebody to respond to. You have to take the consequences of your actions into account. Opportunists and people who apply piecemeal approaches can maximize possible outcomes of their actions. Acting responsibly also means to take guiding values into account. The difference between these two ethical approaches, therefore, is less explicit than it first seems. The “ethic of responsibility”, according to Jaspers, “is the true ethic of principle. It does not take mere results or rational principles as its guide but seeks its way in the open area of possibility”.<sup>21)</sup>

### 4. Is Germany a failed state?

Political debates have become oppressive in Germany and other Western countries. Those who are not in line with the official doctrine are quickly silenced and branded as extremists by the elite. Of course, it is easier to call a political opponent xenophobic, a Nazi or a conspiracy theorist than to check his or her arguments carefully. And this is exactly what many people who are guided by the Ethic of Convictions are doing. They decide in advance who is right and who is wrong.

Citizens thus fear to express their views and they are forced to apologize even if there is nothing to apologize for. On New Years Eve 2015, North African immigrants and asylum seekers sexually harassed hundreds of women in Cologne and in various other German cities.<sup>22)</sup> The mayor of Cologne, a woman, suggested that

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21) Jaspers 1962, I:73.

22) Michel et al. 2016; Fade, Pauly, and Frigelj 2016

**Characteristics of Max Weber’s “Ethic of Conviction”  
and “Ethic of Responsibility”**

	Ethic of Conviction	Ethic of Responsibility
Maxims or formal principles that determine the respective activity	The action is judged by its intrinsic value (“Eigenwert” or “Gesinnungswert”) i.e. an action is appropriate only if it corresponds to a certain attitude or belief.	The actor judges a certain action by its intrinsic value and...  ...by the possibility to take the responsibility for its consequences.
Test method for finding the right maxims and decisions	Independent thinking about the values at stake is sufficient.	Only a “value debate” with different participants can determine whether the intrinsic value is met and if it is possible to take responsibility for certain consequences of one’s actions.  Inevitable means to achieve certain ends and unavoidable side effects have to be considered as well.
Motivation	Respect for the law	Passionate devotion derived from a conscious decision and a sense of responsibility

women should keep a certain distance from strangers. She was ridiculed for her suggestions and later, under public pressure, she expressed regrets for her remarks.<sup>23)</sup>

On the other hand, we can find politicians who are critical of the current German migration–policy, who voice their concerns in public

23) spo./AFP/dpa 2016; Dallapiccola 2016.

debates. One of the most prominent critics, Thilo Sarrazin, is a member of the Social Democratic Party of Germany. He is not a lonely voice in the SPD. In 1973, the German chancellor Willy Brandt imposed limits on the number of new foreign workers in Germany. Helmut Schmidt, another social democrat and chancellor, believed that the uncontrolled influx of migrants could endanger domestic peace.<sup>24)</sup> Horst Seehofer from the CSU sees a necessity to define clear limits on the number of the so called “refugees”. Positions which tend to restrict the influx of migrants in a reasonable and straightforward way which adheres to existing regulations are more in line with an ethic of responsibility than the current muddling through by the German Government.

How can the German government achieve a limitation of the number of migrants? It has to enforce existing laws. People who claim asylum and enter the country from secure third states cannot be characterized and treated as asylum seekers according to the German constitution, article 16a. The European Union could adopt the same measures as it suggests for other countries. TACIS,<sup>25)</sup> which was implemented by the European Commission, is suggesting

the development of a comprehensive border management, migration and asylum system in order to combat smuggling in illegal migrants and to reduce illegal migration flows (concrete actions include provision of border control equipment and training of border guards as well as strengthening the capacity of partner countries to administer legal migration and asylum matters)....<sup>26)</sup>

24) Rasche 2010.

25) Technical Assistance to the Commonwealth of Independent States.

26) Commission of the European Communities 2002, 19.

A coherent and reasonable policy which aims at restricting migration also devotes itself to the causes of migration as the report correctly states:

Regarding migration, the long-term priority of the Community should be to address the root causes of migration flows. One should duly recognise the effect of long-term development programmes on migratory flows, in particular in poverty eradication, institution and capacity building, conflict prevention.<sup>27)</sup>

To understand the current climate of restricted political debates in Germany and its ramifications, we have to look back into German history for a while. Grand coalitions contributed to the formation of extremist groups in the Weimar Republic. In the 1960s, Chancellor Kiesinger headed another grand coalition. Radical student formations evolved and some of them became a hotbed for later terror groups. What can we learn from this historical review? If the political and intellectual elite does not listen to the views and concerns of the citizens, people will look for more offensive ways to express their concerns and the tendency toward radicalism in a society grows. Today, public figures like Donald Trump, Rodrigo Duterte, Nigel Paul Farage or Marine le Pen know how to exploit popular dissatisfaction with a narrow-minded political system for their nationalistic agendas.

Merkel and her policies are taking the German society hostage for social experiments. Up until five years ago, she used to declare the impossibility of a multicultural society.<sup>28)</sup> Now, with all

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27) Commission of the European Communities 2002, 4.

28) ore/dapd/dpa 2010.

floodgates open for more than a year, a tangible restriction of the immigration influx is hardly under way, and she still refuses to work out a feasible immigration policy.<sup>29)</sup> Instead, the EU and Germany have been negotiating questionable arrangements with Turkey, an autocratic regime. These deals are intended to help keep the immigrants at bay and they are meant to consolidate the German military presence in Turkey.

In spite of its dangers and its irrationality, the open border policy is hypnotizing many do-gooders in Germany. Immigrants who enter a country from a secure third state do not need to be accepted as asylum seekers according to German and EU regulations.<sup>30)</sup> Nevertheless, the German government is systematically and haughtily ignoring these regulations. If citizens arrive at a border without a valid passport, they should not be allowed to enter the country. Yet hundreds of thousands of migrants have entered Germany without valid passports or without any papers at all.<sup>31)</sup> A significant number of migrants, especially those with no identity documents, are importing rare illnesses or organised crime.<sup>32)</sup>

According to the German Federal Statistical Office, 10% percent of 80.8 million people living in Germany are “non-Germans”,<sup>33)</sup> but 28% of all crime suspects in 2015 are non-Germans,<sup>34)</sup> and 8% of all

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29) Compare Crusius 2016.

30) E.g. GG Art. 16a, Council Directive 2013/32/EU, Dublin Regulations.

31) Kraetzer 2016.

32) Ulfkotte 2015b.

33) Statistisches Bundesamt 2015, 32,40.

34) Bundesministerium des Innern 2016, 69. Tatverdachtige insgesamt: 2011898, Tatverdachtige Deutsche: 1456078, Tatverdachtige Nicht-Deutsche: 555820, Tatverdachtige Zuwanderer: 114238.



crime suspects are immigrants. Assuming that roughly one million immigrants are currently staying in Germany, we can conclude that non-Germans in Germany are more than twice, and immigrants are more than four times more likely to commit criminal acts than Germans. Of course, in order to compare the crime rate of German residents to the crime rate of non-German residents, we have to subtract people who have no permanent residence from the figure mentioned above. Moreover, if we want to determine actual crime rates, we have to take into account suspects who have been convicted.

In some areas, the crime rates of “non-Germans” presented in the police crime statistics clearly exceed the crime rate of Germans. 29% of all suspects of homicides are non-Germans; whereas 8% of all suspects are asylum seekers.<sup>35)</sup> 75% of the charges concerning pickpocketing were brought forward against non-Germans, and of the total figure, 33.5% were filed against asylum seekers.<sup>36)</sup> But these figures are not discussed openly. On the contrary, we can find studies which gloss over the tense situation and the mistakes that were made.<sup>37)</sup> Considering the lack of democracy in public debates and the lack of some essential characteristics of a sovereign state, some political analysts do not hesitate to call Germany a failed state.<sup>38)</sup>

Let us be clear: people from various cultures regularly enrich human coexistence. The European Union and the international

community bear a responsibility to support people who lost their families, their house and home due to war and military violence. The uncontrolled influx of millions of immigrants from remote aristocratic societies, however, disintegrates a modern host community and further destabilizes the countries of origin. The attacks in Paris in November 2015, in Brussels in March 2016, the numerous smaller incidents in Germany in the summer of 2016,<sup>39)</sup> and even the countless mass attacks in Iraq should serve as a warning. Let us assume a state which can not ensure that laws are observed, a state that fails to control its borders. If different ethnic and religious groups are arbitrarily living together in that country and a high proportion of the population stems from radical and violent groups, the country is likely to experience continuing violence.

There is ample reason to criticise the consequences of the current German migration policy. But what are the reasons behind it? At the press conference on 31 August 2015, Merkel suggests that “the humanity of the German constitution” and “human dignity” are the driving forces behind her refugee policy.<sup>40)</sup> Time magazine praised Merkel’s “humanity, generosity” and “tolerance” and declared her person of the year in December 2015.<sup>41)</sup> Angela Merkel, daughter of a protestant pastor, grew up in a Stalinist state. She wants to remove walls. Are her actions with regard to immigrants, which, politically correct have to be called *refugees* in Germany, mainly motivated by compassion and generosity? Many people in Germany believe in this

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35) Statistisches Bundesamt 2015, 308; Bundesministerium des Innern 2016, 70.

36) Statistisches Bundesamt 2015, 308; Bundesministerium des Innern 2016, 70.

37) We can find a sociological study, for example, which tries to prove that economic migrants are less likely to commit criminal acts than Germans (Geißler 2008). Economic migrants, however, are only a subset of all migrants.

38) Tibi 2016.

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39) Compare Jansen 2016.

40) Die Bundesregierung 2015.

41) Time Magazine 2015.

narrative. If this were the case, we could call her an upholder of the ethic of conviction.

Other reasons are more plausible, however. For instance, social scientists have brought forward economic and demographic arguments.<sup>42)</sup> Yet it is hard to believe that young Syrians with a poor school education contribute to the development of German industrial and services companies. According to the official narration two years ago, many migrants were well educated. One typical article claimed that 20 percent of refugees had Abitur, a third were skilled workers.<sup>43)</sup> In the meantime, after all, the enthusiasm is gone. Assessments of the level of reading and writing competences of Syrian migrants, for example, range from “no confirmed figures are available”<sup>44)</sup> to “two third of them are functional illiterates”.<sup>45)</sup> On the other hand, it is evident that welfare institutions, insurance companies, the pharmaceutical industry and a variety of other organisations are profiting from hundreds of thousands of new “consumers” Udo Ulfkotte estimates the costs of one million migrants per year in Germany at € 42 Billion.<sup>46)</sup>

Merkel and her grand coalition government that is composed of conservative and leftist politicians as well want to avoid a break-up. So the chancellor has to find the lowest common denominator to integrate the majority of interests. A second reason can be seen in attempts to finally realise the post-national society.<sup>47)</sup> Many

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42) Rinte, Rinne, and Zimmermann 2015. Even at the press conference on 31 August 2015,

Merkel confuses the obligation to guarantee protection for refugees with economic needs.

43) dpa 2014.

44) Radetzky and Stoewe, n.d.

45) Wiarda and Wobmann 2015.

46) Ulfkotte 2015a.

47) Habermas 1998; Zürn 2012.

influential politicians and social scientists in Germany have an ambivalent or distorted relationship to the state. On the one hand they want to benefit from public goods; on the other hand they believe in the so called “post-national constellation”, supposing that states and borders have become obsolete. Merkel wants to prescribe a national psychotherapy for Germany’s past, which in effect means that the state of Germany vanishes forever.<sup>48)</sup> The fourth reason is “engineered migration as a tool of warfare”.<sup>49)</sup> Political agents nowadays use every means available to enforce their will. Through massive advertising campaigns on social media sites, American NGOs lured hundreds of thousands of migrants into Germany. German troops did not fight in Iraq, nor did they fight in Libya or Syria; but by absorbing substantial parts of the Syrian middle class, Germany also takes part in the Syrian war.

## 5. Concluding remarks

Let us briefly review some of the main points of this essay: Whereas the policies of the current German government have stimulated the German and European economy, the government is not consistently implementing existing laws and it is thus weakening the overall rule of law in Germany. To a certain extent, we can conclude, Germany contributed to the global public good “world peace” in a negative way. The country did not participate in recent large, destructive campaigns, but it can be doubted whether the deployment of Bundeswehr units in Afghanistan and other parts of the world helped to establish a more secure world system.

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48) Levant 2015.

49) Greenhill 2010.

Politicians are motivated by certain belief systems. With regard to the migration crisis, we cannot discover any member of the German government whose decisions is supported by an ethic of responsibility. On the contrary, the German government is not sufficiently considering the side effects of its migration policy. The German chancellor does not communicate a coherent long-term policy which respects the current law, which stems from her inner convictions.

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50) According to Chicago Manual of Style, 16th edition

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### 〈국문초록〉

본 논문에서는 사회적 단위로서의 독일 국가(정부)가 어떻게 자신의 기능을 수행하고 있는지, 그리고 사람들은 어떻게 특정한 윤리에 따라 행위하고 있는지에 대한 근본적인 물음들을 제기하고 있다. 특히 막스 베버의 ‘책임의 윤리학’과 ‘신념의 윤리학’ 사이의 차이점에 대한 구분이 이러한 문제들을 다루는 연구에 중요한 맥락을 제공하고 있다. 본 논문에서는 보다 구체적인 목표로 독일 정부는, 무엇보다도 법치국가로서의, 내적인 혹은 외적인 안전에 대한 국가의 책무와 과제를 위해서 어떠한 노력을 기울이고 있는가?라는 물음을 제기하고 이에 대한 연구를 진행한다.

지난 10여 년간 독일 메르켈 정부는 경제적으로 눈에 띄는 건설적인 성과를 가져왔다. 또한 독일연방군(Bundeswehr)은 비록 전세계적인 안전을 위한 어떤 결정적인 역할을 하지는 못했다고 하더라도 적어도 파괴적인 전쟁 지역에는 참가하지 않았을 정도로 세계의 안전 유지에 소극적이긴 하지만 나름의 역할을 수행했다. 그러나 현재의 메르켈의 이민정책은 책임 윤리의 개념에 근간을 두고 있는 것이 아닐 뿐더러 독일의 내적인 안전 유지에 기여하고 있지 못하다는 점에서 오히려 법치국가로서의 독일의 위상을 약화시킨다고 본다.

주제어: 안전, 법치주의, 신념의 윤리, 책임의 윤리, 국가의 기능

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### 〈ABSTRACT〉

Marc Herbermann(Kyonggi University)

The article addresses the question of how social units, namely the German state, carry out their functions and how people act after a certain ethic. Max

Weber's distinction between an ethic of responsibility and an ethic of conviction gives us important clues for an examination.

What does the German government do to fulfil its responsibilities and tasks, particularly, how does it enforce law, internal and external security? These are other objects of investigation. In the past decade, Merkel's government has brought about some constructive results in the economic field. The German Federal Armed Forces, the Bundeswehr, have not increased international security in any significant way, but it also did not participate in destructive wars. Merkel's migration policy, which can not be explained with the concept of an ethics of responsibility, has rather contributed to weakening the rule of law and internal security.

Key Words: Security, Rule of Law, Ethic of conviction, Ethic of responsibility, Functions of the state

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